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17 Attorneys for Defendants
18 CIM/OAKLAND CITY CENTER, LLC
19 dba OAKLAND MARRIOTT CITY CENTER and
20 AGRE DCP OAKLAND CITY CENTER OWNER LLC

21
22 **UNITED STATES DISTRICT COURT**
23 **NORTHERN DISTRICT OF CALIFORNIA**
24

25 RUTHEE GOLDKORN,)	No. 4:15-cv-01561-JSW
26)	
27 Plaintiff,)	FIFTH STIPULATION TO CONTINUE
28)	DATES UNDER GENERAL ORDER 56;
vs.)	PROPOSED ORDER
21)	
22 CIM OAKLAND CITY CENTER, LLC, dba)	
23 OAKLAND MARRIOTT CITY CENTER, et)	
24 al.,)	
25)	
Defendants.)	

26 **WHEREAS**, Plaintiff, Ruthee Goldkorn (“Plaintiff”), has brought this action against
27 Defendants, CIM/Oakland City Center, LLC, dba Oakland Marriott City Center, DiNapoli
28 Capital Partners LLC (“DiNapoli”), and AGRE DCP Oakland City Center Owner LLC,

FIFTH STIPULATION TO CONTINUE DATES UNDER GENERAL ORDER 56; ~~PROPOSED~~ ORDER

1 alleging violations of Title III of the Americans with Disabilities Act seeking to have barriers
2 to her access removed from the Oakland Marriott City Center hotel located at 1001 Broadway
3 in Oakland, California (“the Facility”), and this matter therefore proceeds under the procedural
4 requirements of General Order 56;

5 **WHEREAS**, Defendant DiNapoli was dismissed without prejudice on July 15, 2015
6 (Dkt. 12);

7 **WHEREAS**, on April 6, 2015, the Court issued its Scheduling Order for Cases
8 Asserting Denial of Right of Access under the Americans with Disabilities Act (Dkt. 4) which
9 set the last date for parties to conduct a joint site inspection of the subject property as July 20,
10 2015;

11 **WHEREAS**, on July 16, 2015, pursuant to the parties’ stipulation, the Court continued
12 the last date for the parties to conduct their joint site inspection to October 9, 2015;

13 **WHEREAS**, on July 17, 2015, Plaintiff filed a Second Amended Complaint adding
14 AGRE DCP Oakland City Center Owner LLC as a defendant;

15 **WHEREAS**, on December 1, 2015, pursuant to the parties’ fourth stipulation, the
16 Court continued the last date for the parties to conduct their joint site inspection to December
17 21, 2015;

18 **WHEREAS**, the parties are working together cooperatively and have made substantial
19 progress towards settlement since December 1, 2015, but given the size of the subject property
20 and the scope of equitable issues to be resolved, they still require additional time to work
21 towards a final settlement, and wish to avoid the additional cost of the joint site inspection
22 while concluding settlement negotiations;

23 **WHEREAS**, the parties have agreed to conduct the joint site inspection on January 14,
24 2016 should a settlement not be reached by that date.

25 **NOW, THEREFORE**, the parties hereby stipulate that the joint site inspection
26 required pursuant to General Order 56 ¶ 3 shall take place on January 14, 2016 unless a
27 settlement of this action is reached prior thereto, and that all other dates and deadlines under
28 General Order 56 which are triggered by the joint site inspection shall be calculated

FIFTH STIPULATION TO CONTINUE DATES UNDER GENERAL ORDER 56; ~~PROPOSED~~ ORDER

1 accordingly.

2 **IT IS SO STIPULATED.**

3 Dated: December 18, 2015

MOORE LAW FIRM, P.C.

4 /s/ Tanya E. Moore

5 Tanya E. Moore
6 Attorney for Plaintiff,
Ruthee Goldkorn

7 Dated: December 18, 2015

SEYFARTH SHAW LLP

8 /s/ Kristina M. Launey

9 Kristina M. Launey
10 Attorneys for Defendants,
11 CIM/Oakland City Center
and AGRE DCP Oakland City Center Owner LLC
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FIFTH STIPULATION TO CONTINUE DATES UNDER GENERAL ORDER 56; ~~PROPOSED~~ ORDER

ORDER

The Parties having so stipulated and good cause appearing,

IT IS HEREBY ORDERED that the joint site inspection required pursuant to General Order 56, ¶ 3, shall take place on January 14, 2016 unless a settlement of the action is reached prior to that date, and that all other dates and deadlines under General Order 56 which are triggered by the joint site inspection shall be calculated accordingly.

IT IS SO ORDERED.

Dated: December 18, 2015



United States District Judge

FIFTH STIPULATION TO CONTINUE DATES UNDER GENERAL ORDER 56; ~~[PROPOSED]~~ ORDER